

REMARKS/ARGUMENTS

In the Office Action of March 1, 2006 (the "Office Action");

1. Claims 1-2, 4-7, 9-34, 36-39, 41-54, 56-64, 66-80 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,571,220 B1 ("Ogino et al.");
2. Claims 8, 35, 40 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino et al., in view of NPL to Stallings ("Stallings"); and
3. Claims 81-86 are rejected under 35 U.S.C. 132(a) as introducing new matter to the disclosure.

1. **Rejection of Claims 1-3, 4-7, 9-34, 36-39, 41-54, 56-64, 66-80 under 35 U.S.C. 102(e).**

Claim 1 claims a system for providing protected copying of material comprising a preprocessing unit which performs copy-once functionality on a material before providing the material on its output, and a recording unit which receives the material from the preprocessing unit and is capable of searching for a copy-never indication in the material and copying the material unless the copy-never indication is found, but lacking capability to remark the material with a copy-no-more indication.

Copy-once functionality, as recited in the claim, includes searching for a copy-once indication and a copy-no-more indication in the material, not providing the material if the copy-no-more indication is found, and remarking the material with the copy-no-more

indication if the copy-once indication is found and the copy-no-more indication is not found.

As noted in the description of the preferred embodiment, a key feature of the system is that copy-once functionality is performed in the preprocessing unit, not the recording unit. This has the advantage of reducing the cost of the recording unit, which is important since any cost added to the recording unit will have to be borne by all consumers of personal computers having such recording units installed, whether they desire to record copy-once material or not. See, page 8, lines 17-25. Thus, relocating the copy-once functionality to the preprocessing unit sets up a situation where only consumers that desire the copy-once functionality have to pay for it. See, page 9, lines 10-15.

Ogino et al. teaches a compliant reproducing apparatus 100 which performs certain functionality on material before passing it to a compliant recording apparatus 200 for copying the material. See, e.g., FIG. 1. In the system of Ogino et al., however, the copy-once functionality is performed in the compliant recording apparatus 200, not the compliant reproducing apparatus 100. See, e.g., FIG. 6 (compliant recording apparatus 200) and FIG. 10 (compliant reproducing apparatus 100). Thus, Ogino et al. teaches the exact opposite arrangement than that being claimed in Claim 1 and consequently, fails to provide the benefits of applicants' invention.

In asserting that Ogino et al. teaches applicants' invention as claimed in Claim 1, the Office Action attempts to reverse the roles of the compliant reproducing apparatus 100 and compliant recording apparatus 200 of Ogino et al. (i.e., the compliant reproducing apparatus 100 teaches the Claim 1's recording unit, and the compliant recording apparatus 200 teaches the Claim 1's preprocessing unit), arguing that such reversal is justified, because "the direction of data flow is not relevant."

Applicants respectfully submit, however, that the direction of data flow is relevant in this case, because it involves claim limitations that are neither taught nor suggested by Ogino et al., even when reversing the roles of the compliant reproducing apparatus 100 and compliant recording apparatus 200. For example, the only way that the compliant recording apparatus 200 can provide its output to the compliant reproducing apparatus 100 is by generating a RAM disc 40 that is provided to the compliant reproducing apparatus 100, in which case, the compliant reproducing apparatus 100 would not be receiving the material through a secure channel as required in Claim 1. Although a secure bus is provided between the compliant reproducing apparatus 100 and compliant recording apparatus 200, the compliant recording apparatus 200 only receives data from that bus. It does not use it to provide its output to the compliant reproducing apparatus 100, as would be required in the asserted role reversal.

Claim 1 is therefore believed to be patentable under 35 U.S.C. 102(e) over Ogino et al. since Ogino et al. for the foregoing reasons, as well as those previously stated in prior communications, which are incorporated herein by reference.

Claims 2, 4-7 and 9-21 are also believed to patentable under 35 U.S.C. 102(e) over Ogino et al., since they depend from Claim 1, and as such, are believed to be patentable for at least the same reasons as stated in reference to Claim 1, as well as those previously stated in prior communications, which are incorporated herein by reference.

Claim 22 recites a method implemented in a recording unit including the function “if said copy-once indication is detected, then transmitting information of said detection of said copy-once indication back to a sender of said material provided a secure channel is established with said sender, otherwise not allowing copying of said material,” and such transmission back to a sender of the material is neither taught nor suggested in Ogino et al.

Although the Office Action asserts in its paragraph 19 that this function is disclosed in Col. 12, lines 19-29 of Ogino et al., a careful reading of that paragraph fails to teach or suggest the function. In particular, the cited paragraph describes step S105 of FIG. 9 in which the CGMS rewriting unit 206 and the WM rewriting unit 207 of the compliant recording apparatus 200 respectively rewrite the CGMS information from (10) to (11) and the electronic watermark information WM to “No More Copy”. There is no discussion in Ogino et al. of transmitting a copy-once (i.e., “One Copy”) indication back to the sender of the material as claimed in Claim 22.

Also, although the Office Action also refers in its paragraph 3 to Col. 16, line 63 to Col. 17, line 9, and Col. 17, lines 43-59 in reference to Claim 22, such sections of Ogino et al. also fail to teach the function “if said copy-once indication is detected, then transmitting information of said detection of said copy-once indication back to a sender of said

material provided a secure channel is established with said sender, otherwise not allowing copying of said material.”

Accordingly, Claim 22 is believed to be patentable under 35 U.S.C. 102(e) over Ogino et al. for the foregoing reasons.

Claims 23-34, 36-39 and 41 are also believed to patentable under 35 U.S.C. 102(e) over Ogino et al., since they depend from Claim 22, and as such, are believed to be patentable for at least the same reasons as stated in reference to Claim 22, as well as those previously stated in prior communications, which are incorporated herein by this reference.

Claim 42 recites a recording unit including an input channel receiving a material for copying from a sending unit, and compliance logic configured such that “if either said copy-never or said copy-once indication is detected, then providing information of such detection back to said sending unit,” and such a recording unit is neither taught nor suggested by Ogino et al. for at least the reasons stated in reference to Claims 10 and 22 above. Further, paragraph 37 of the Office Action fails to even recite the language of “providing information of such detection back to a sender of said material” in rejecting the claim, let alone identify where it is disclosed in Ogino et al.

Accordingly, Claim 42 is believed to be patentable under 35 U.S.C. 102(e) over Ogino et al. for the foregoing reasons.

Claims 43-54 and 56-63 are also believed to patentable under 35 U.S.C. 102(e) over Ogino et al., since they depend from Claim 42, and as such, are believed to be patentable for at least the same reasons as stated in reference to Claim 42, as well as those previously stated in prior communications, which are incorporated herein by this reference.

Claim 64 is believed to be patentable under 35 U.S.C. 102(e) over Ogino et al. for at least the reasons stated in reference to Claim 10, 22 and 42, as well as those previously stated in prior communications, which are incorporated herein by reference.

Claims 66-80 are also believed to patentable under 35 U.S.C. 102(e) over Ogino et al., since they depend from Claim 64, and as such, are believed to be patentable for at least the same reasons as stated in reference to Claim 64, as well as those previously stated in prior communications, which are incorporated herein by this reference.

2. Rejection of Claims 8, 35, 40 and 55 under 35 U.S.C. 103(a).

Claim 8 is believed to be patentable under 35 U.S.C. 103(a) over Ogino et al. in view of Stallings since it depends from Claim 1, and as such is believed to be patentable for at least the same reasons as stated in reference to Claim 1, since Stallings also fails to teach or suggest the elements of that claim which are neither taught nor suggested by Ogino et al.

Claims 35 and 40 are believed to be patentable under 35 U.S.C. 103(a) over Ogino et al. in view of Stallings since they depend from Claim 22, and as such are believed to be patentable for at least the same reasons as stated in reference to Claim 22, since Stallings also fails to teach or suggest the elements of that claim which are neither taught nor suggested by Ogino et al.

Claim 55 is believed to be patentable under 35 U.S.C. 103(a) over Ogino et al. in view of Stallings since it depends from Claim 42, and as such is believed to be patentable for at least the same reasons as stated in reference to Claim 42, since Stallings also fails to teach or suggest the elements of that claim which are neither taught nor suggested by Ogino et al.

3. Rejection of Claims 81-86 under 35 U.S.C. 132(a)

The recording unit is described in the application as “a drive installed in or otherwise coupled to the PC that is designed for recording material on recordable media such as, for examples, a DVD recordable drive, CD recordable drive, or flash memory or other solid-state memory recordable unit.” See, page 8, lines 10-16.

Thus, not only is a media drive disclosed (i.e., a drive designed for recording material on recordable media), but examples of such drive include a DVD recordable drive, a CD recordable drive, and solid-state memory recordable units.

Accordingly, applicants submit that Claims 81-86 do not include new matter, and reconsideration of the rejection of these claims under 35 U.S.C. 132(a) is respectfully requested.

Conclusion

Claims 1, 2, 4-64, 66-86 are pending in the application. Reconsideration of the rejected claims is respectfully requested for the reasons herein stated, and an early notice of their allowance earnestly solicited. If it would expedite the prosecution of this application, the Examiner is encouraged to contact the undersigned attorney at any time to further discuss or clarify any arguments made by applicants in this communication.

Respectfully submitted,

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